



MARY E. D'ANDREA  
Clerk of Court

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
for the  
MIDDLE DISTRICT of PENNSYLVANIA  
William J. Nealon Federal Bldg. & U.S. Courthouse  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501-1148

(570) 207-5600 FAX (570) 207-5650

June 5, 2000

②  
6/29/00  
COPY

Divisional Offices

Harrisburg: (717) 221-3920  
Williamsport: (570) 323-6380

Mr. Junior Frederick  
#48440-053  
USP-Lewisburg  
P.O. Box 1000  
Lewisburg, PA 17837

FILED  
HARRISBURG

JUN 28 2001

MARY E. D'ANDREA, CLERK  
Per Lois A. Fuller  
DEPUTY CLERK

Re: Frederick v. Romine

Dear Mr. Frederick:

1 : CV - 01 - 1196

I am writing in response to your letter to the Clerk of Court regarding your action received in this office on May 19, 2000. Your complaint was neither accompanied by a filing fee nor application to proceed in forma pauperis and authorization form.

On May 22, 2000, we advised you that in view of the fact that your complaint contained claims regarding prison conditions, it should be filed as a civil rights complaint, and as such, should be accompanied either by the \$150.00 filing fee or an application to proceed in forma pauperis and authorization form, which authorizes prison officials to withdraw funds from your prison account to pay the filing fee over a period of time.

Although you argue that you wish to file your action as a habeas corpus petition, habeas relief may only be sought when a party challenges the fact or duration of his/her confinement, which is not the case in this instance. I am enclosing an application to proceed in forma pauperis and authorization form for your use.

Sincerely,

Lois A. Fuller  
Lois A. Fuller  
Pro Se Office

laf  
Enclosures

RECEIVED  
SCRANTON

JUN - 2 2000

PER

DEPUTY CLERK

Office of the Clerk  
 Mary E. W. Andrea, Clerk  
 United States District Court  
 Middle District of Pennsylvania

Dear Clerk W. Andrea

Reference is made to your letter addressed to me and dated 5/29/00. You indicated on the first paragraph that I should submit a form of Paupers or pay a filing fee of \$250 at the second paragraph in your letter you indicated that a Habeas Corpus Petition must be accompanied by a filing fee of \$5.00 or a Proper Form of Paupers form.

Please let the record show that I am seeking Habeas Corpus relief for an unconstitutional treatment. I am challenging the constitutionality of living in a cell smaller than the size that is allowed by law and under the eighth amendment by law I am entitled to 40-50 square feet of living space. I am now living in approx 20 square feet, and this can be considered as cruel and unusual treatment, and punishment in violation of the eighth amendment.

at y  
 2

If you read my Habeas Corpus Complaint Carefully you will see that I am not asking for Monetary Damages Consistent with Title 28 sec. 1332, or under Title 42 section 1983 USC. My Habeas Corpus Petition will indicate that I am not seeking any Monetary Damages but I am seeking Habeas Corpus Relief under 2242 which is the General Habeas Corpus Statute.

Now for these reasons set forth hear-in I am requesting that you waive the \$450 filing fee since I am not seeking Monetary Damages and treat my motion as a Habeas Corpus Petition Challenging the Constitutionality of Confinement as illegal. My Civil and Human and Constitutional rights are being violated at this very moment, why should I be forced to pay a \$450 to enforce my rights that are guaranteed by the Constitution the end of Justice would best served if this Court would get a date for an Evidentiary hearing and rule on the merits of this case - further more my prison assignment only pays approx. \$50. a month. So it would be fruitless to try to collect \$450 out of a \$50 month pay in Conclusion treat my Habeas Corpus as a ~~petition~~ #2

Motion seeking relief for unconstitutional  
treatment and mail up a receipt for  
\$50 for filing fee as expeditiously as  
possible. *Justicia — Omnibus*

*Respectfully  
Requested*

*Junior F. Kechick  
48440-053  
5-30-00*

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UNITED STATES DISTRICT COURT  
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MARY E. D'ANDREA  
Clerk of Court

5/22/00

TO: JUNIOR FREDERICK #48440-053

REFERENCE: Frederick v. Romine

Please see the paragraph checked below:

✓

A prisoner filing a civil rights complaint\* in the Middle District of Pennsylvania must submit either the statutory filing fee of \$150.00 (effective December 18, 1996) or a proper application to proceed in forma pauperis AND an Authorization form (both forms are enclosed). The in forma pauperis and Authorization forms should be returned within thirty (30) days.

A habeas corpus petition must be accompanied either by a \$5.00 filing fee or the proper in forma pauperis application (form enclosed).

A petition for a writ of mandamus must be accompanied either by a \$150.00 filing fee or the proper in forma pauperis application (form enclosed).

Each plaintiff must complete his/her own application to proceed in forma pauperis and Authorization form. The filing fee for a civil rights complaint is \$150.00, regardless of the number of plaintiffs named in the action.

In forma pauperis application and/or Authorization form not signed.

Complaint/petition is not signed.

This office does not provide copies of Local, Federal Criminal Civil Rules of Procedure to the public. Please check your institutional library.

\* Since your complaint concerns prison conditions, it is a civil rights action, rather than a habeas corpus petition

Clerk of Court, Mary E. D'Andrea

By: Lris A. Deller